

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

Roberto Chavez (USC) YOB: 1994 -1  
Kendra Munoz (USC) YOB: 1997 -2

Case No. 7:18mj 2013

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 26, 2018 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

## Code Section

## Offense Description

Title 18 USC: 924(a)(1)(A), &amp; 2(a)

1. Title 18 USC Section 924(a)(1)(A) – Making false statements w/ regards to  
Firearms records.

2. Title 18 USC Section 2(a) - Aiding and Abetting.

This criminal complaint is based on these facts:

SEE ATTACHMENT A

☒ Continued on the attached sheet.approved by  
[Signature]

Sworn to before me and signed in my presence.

Date: 9/27/18 - 8:17 a.m.City and state: McAllen, TX

[Signature]

Complainant's signature

Freddie Summers, ATF Special Agent

Printed name and title

[Signature]

Judge's signature

JUAN F. ALAMIS, U.S. Magistrate Judge

Printed name and title

**Attachment A**

I, Special Agent (S/A) Freddie Summers, affiant, do hereby depose and state the following:

I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. As a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, I am vested with the authority to investigate violations of Federal laws, including Titles 18, 26, and 21, United States Code.

This affidavit is in support of a criminal complaint charging Roberto Chavez and Kendra Munoz with:

Title 18, U.S.C., Section 924 (a)(1)(A) – It is unlawful for any person to knowingly make any false statement or representation with respect to the information required to be kept in the records of a licensed Federal Firearms Dealer.

Title 18 USC U.S.C., Section 2(a) whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.

The facts establishing probable cause are based on the following:

1. ATF received information Kendra MUNOZ and Roberto CHAVEZ had attempted to straw purchase firearms at various local Federal Firearms Licensees (FFLs). On Wednesday, September 26, 2018, ATF observed MUNOZ and Roberto CHAVEZ arrive together in a vehicle at an FFL in Edinburg, TX. MUNOZ went inside the FFL while CHAVEZ remained outside in the vehicle.
2. ATF observed MUNOZ exit the FFL with a firearm box that agents later learned contained a Century Arms, model WASR-10, 7.62.x 39 mm caliber rifle. MUNOZ was observed walking back to her vehicle and placing the firearm box in the trunk of the vehicle, and leaving the area in vehicle. ATF maintained mobile surveillance on the vehicle and observed it drive to a residence in Mission, TX. At the residence in Mission, TX agents observed MUNOZ and CHAVEZ meet with a third individual and observed what appeared to be a firearms transfer between MUNOZ and CHAVEZ and the third individual.
3. ATF agents approached and detained MUNOZ and CHAVEZ and subsequently obtained consent for the residence and recovered the Century Arms, model WASR-10, 7.62.x 39 mm caliber rifle from the residence.
4. CHAVEZ and MUNOZ were transported back the ATF office where they were read their Miranda rights. Both CHAVEZ and MUNOZ stated that understood their Miranda rights and were willing to answer questions without an attorney present.

5. During MUNOZ's interview, she stated that she had been recruited by her boyfriend CHAVEZ to purchase firearms on behalf of another individual. MUNOZ stated that CHAVEZ picked her up from work and they drove to the FFL in Edinburg, TX. MUNOZ stated CHAVEZ gave her \$1,000 to purchase the firearm. MUNOZ admitted that she provided false statements on the ATF Form 4473. When she filled out the ATF Form 4473 at the FFL she indicated on the ATF Form 4473 that ~~he~~ she was the actual purchaser of the firearm when in fact she knew that she was not the actual purchaser of the firearm in violation of 18 USC 924 (a)(1)(A). The ATF Form 4473 is information required to be kept in the records of a FFL.
6. MUNOZ stated that after she straw-purchased the firearm they drove the firearm to the person whom had given CHAVEZ money for her to purchase the firearm. MUNOZ stated that she kept the change from the firearm purchase as payment for conducting the straw-purchase.
7. During CHAVEZ's interview, he corroborated MUNOZ's above account of events and admitted to recruiting MUNOZ to straw purchase the firearm in exchange for money, thereby aiding and abetting MUNOZ in violation of 18 USC 2 (a).
8. This affidavit is based on the personal knowledge and observations of your affiant and other law enforcement personnel. This affidavit is intended to support probable cause, but it is not intended to convey all the facts of the investigation.